

January 21, 2022

The Honorable Charles Schumer  
Senate Majority Leader  
United States Senate  
Washington, DC 20510

The Honorable Mitch McConnell  
Senate Minority Leader  
United States Senate  
Washington, DC 20510

The Honorable Nancy Pelosi  
Speaker of the House  
United States House of Representatives  
Washington, DC 20515

The Honorable Kevin McCarthy  
House Minority Leader  
United States House of Representatives  
Washington, DC 20515

Dear Congressional Leaders:

Thank you for your ongoing leadership to expand access to virtual care. As you know, virtual care and telehealth have been lifelines for millions of Americans throughout the COVID-19 pandemic and will continue to be essential tools to ensure access to quality health care even once the pandemic ends. We write today to encourage you to reinstate the recently expired, bipartisan policy changes that allowed [32 million Americans](#) in the employer market with high-deductible health plans coupled with Health Savings Accounts (HDHP-HSAs) to receive telehealth benefits from their employer or health plan pre-deductible.

**As you know, this flexibility unfortunately expired on December 31, 2021.** Given the ongoing pandemic and recent surge in variants of concern including Omicron, as well as the related behavioral health and chronic disease management challenges, it is critical that Congress reinstate this flexibility so that millions of Americans can once again access these lifesaving telehealth services.

Americans with HDHP-HSAs must meet minimum deductibles defined in statute before the cost of telehealth can be covered by their employer or health plan. Congress took swift bipartisan action as part of the Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020 (P.L. 116-136) to ensure that more workers could receive covered telehealth services by allowing employers and health plans to provide pre-deductible coverage for such services. This commonsense policy helped ensure that families could access vital telehealth services – including virtual primary care and behavioral health services – prior to having to meet their deductible. **In fact, according to a [survey](#) by the Employee Benefit Research Institute (EBRI), about 96 percent of employers adopted pre-deductible coverage for telehealth services as a result of this provision.**

The ability to offer pre-deductible telehealth services for employees is a meaningful expansion of health care access for 32 million Americans. Notably, according to unpublished estimates from EBRI, over 50 percent of individuals with an HSA live in zip codes where the median income is below \$75,000 annually. Reaching the deductible threshold of at least \$1,400 for an individual and \$2,800 for a family can be a financial strain. The CARES Act flexibility enabled important expansions of access to care during the pandemic for individuals who may otherwise have neglected essential care due to out-of-pocket costs.

The undersigned organizations strongly urge you to retroactively reinstate this vital telehealth provision from the CARES Act via the next possible legislative vehicle. This is especially important given plan year 2022 has already begun and millions of individuals have already selected this form of coverage. There is

also bipartisan, bicameral legislation before your committees to extend this flexibility.<sup>1</sup> As the pandemic continues, particularly in light of the surge in cases due to the Delta and Omicron variants, individuals need continued access to these vital services. We strongly encourage you to reinstate this important provision as soon as possible to ensure Americans can access the telehealth coverage and virtual care they need.

Thank you for your consideration of this important request.

Sincerely,

**Conveners**

ABA Health Savings Account Council	Council for Affordable Health Coverage
Academy of Oncology Nurse & Patient Navigators (AONN)	Danielle Byron Henry Migraine Foundation
Allergy & Asthma Network	Employers Council on Flexible Compensation (ECFC)
Alliance for Connected Care	Employers' Advanced Cooperative on Healthcare
Alliance to Fight for Health Care	Executives for Health Innovation
ALS Association	Fight Colorectal Cancer
American Academy of Allergy, Asthma & Immunology	Gilda's Club Kansas City
American Academy of PAs	Gilda's Club Quad Cities
American Academy of Physical Medicine & Rehabilitation	Gilda's Club South Florida
American Association for Respiratory Care	HCU Network America
American Benefits Council	Health Innovation Alliance
American Portable Diagnostics Association	HealthCare 21 Business Coalition
American Telemedicine Association	Healthcare Information & Management Systems Society (HIMSS)
American Urological Association	Healthcare Leadership Council
Americans for Prosperity	Hemophilia Federation of America
America's Health Insurance Plans	HR Policy Association
AMGA	HSA Coalition
Association of Oncology Social Work	Immune Deficiency Foundation
Business Group on Health	International OCD Foundation
Business Roundtable	Midwest Business Group on Health
Cancer Support Community	Miles for Migraine
Cancer Support Community Arizona	MN HIMSS
Cancer Support Community Delaware	National Alliance of Healthcare Purchaser Coalitions
Cancer Support Community Indiana	National Association of Health Underwriters
CancerCare	National Association of Pediatric Nurse Practitioners
Church Alliance	National Kidney Foundation
Clinical Social Work Association	National Nurse-Led Care Consortium
Coalition for Headache and Migraine Patients	National Taxpayers Union
Connected Health Initiative	
Consumer Choice Center	
Corporate Health Care Coalition	

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<sup>1</sup> Important legislation addressing this need includes [S. 1704 / H.R.5981 - Telehealth Expansion Act of 2021](#), [H.R.5541 - Primary and Virtual Care Affordability Act](#), and [S. 2097 – TELEHEALTH HSA Act of 2021](#).

New Jersey Association of Mental Health and  
Addiction Agencies  
Partnership for Employer-Sponsored Coverage  
Partnership to Advance Virtual Care (PAVC)  
PAs in Virtual Medicine and Telemedicine  
Psychotherapy Action Network  
REDC Consortium  
Silicon Valley Employers Forum  
Small Business & Entrepreneurship Council

St. Louis Area Business Health Coalition  
Susan G. Komen  
The AIDS Institute  
The Council of Insurance Agents and Brokers  
The ERISA Industry Committee  
The Libre Initiative  
U.S. Chamber of Commerce  
United Leukodystrophy Foundation  
URAC

**Individual Organizations**

98point6  
AFC Urgent Care Idaho  
Amwell  
Array Behavioral Care  
Care Compass Network  
CareSpan USA, Inc.  
Centerstone  
CirrusMD Inc.  
Connected Home Living  
Cox Enterprises, Inc.  
Cromford Health  
Curve Health  
CVS Health  
Dayamed  
Dermatologist On Call  
Diabetes & Endocrinology Consultants of  
Pennsylvania, LLC  
Encounter Telehealth  
ExamMed  
EZaccessMD  
GenieMD, Inc.  
Global Liver Institute  
Go2Care  
HealthEquity, Inc.  
Hinge Health  
Included Health (Doctor On Demand + Grand  
Rounds)  
Intel Corporation  
IU Health  
KJ Solutions  
Klinica Consulting Group  
Kohnling, Inc.  
Kroger Health  
LifePoint Health  
MedWand Solutions Inc.  
Mend VIP, Inc.  
Mercer

Noom  
OCHIN  
Omada Health, Inc.  
Onduo LLC  
One Medical  
Oscar Health, Inc.  
Primary Care Development Corporation  
Providence  
Qure4u Health  
Scripps Health  
Teladoc Health  
The Cheesecake Factory  
TOUCH-Telehealth Systems Consultants  
Traverse Therapeutics  
Virta Health  
Walmart